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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/627,652 | 07/28/2003 | Brian H. Jung | | 4456 |
| 7590 | 05/18/2005 | | EXAMINER | |
| Brian H. Jung 3736 Bel Pre Rd #6 Silver Spring, MD 20906 | | | DEVORE, PETER T | |
| | | ART UNIT | PAPER NUMBER | |
| | | 3751 | | |
| DATE MAILED: 05/18/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-----------------|----------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/627,652 | JUNG, BRIAN H. |
| | Examiner | Art Unit |
| | Peter T DeVore | 3751 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 28 February 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-15 and 17-33 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-15 and 17-33 is/are rejected.
 7) Claim(s) 6-8, 10, 12 and 21 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____

5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____

DETAILED ACTION

Claim Objections

Claim 6 is objected to because of the following informalities: "into in" should be "in". Appropriate correction is required.

Claim 7 is objected to because of the following informalities: "the said" should be "said". Appropriate correction is required.

Claim 8 is objected to because of the following informalities: "water said fluid" should be "said fluid". Appropriate correction is required.

Claim 10 is objected to for claiming a "second nozzle" but not a "first nozzle". Appropriate correction is required.

Claim 12 is objected to for claiming a "second hose" but not a "first hose". Appropriate correction is required.

Claim 21 is objected to for claiming a "second control section" but not a "first control section". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-14, 21-24, and 29-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "having an inlet and an outlet." However, an inlet and outlet are also recited in claim 1. Without terminology such as "reservoir inlet", "reservoir outlet", "housing inlet", and "housing outlet" to distinguish the intlets and outlets, the claims are indefinite.

Claim 5 recites the limitation "said adjustable control means are disposed in said housing inlet...". However, claim 4 from which it depends recites the limitation "said adjustable control means are disposed in said outlet". Applicant apparently intends to recite two separate control means, but without terminology such as "first adjustable control means" and "second adjustable control means" to distinguish them, the claims are indefinite.

Claim 7 recites "wherein said adjustable control means of said inlet..." However, this element appears to be originally cited in claim 5 which claim 7 does not depend from.

Claim 12 recites the limitation "said second hose" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "the nozzles" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 21 recites the limitation "said first and second parts" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 29 recites the limitation "said reservoir means" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Also regarding claim 29, it is unclear how the inlet can be part of the base while there is also a passageway not part of the base conducting fluid from the inlet to the base.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Han.

Regarding claims 21 and 22, the Han reference discloses a housing comprising a base 14 having an inlet 15 and an outlet 16, a second control section 12 having passageways (65, 28, and 29) with top means/dials (22 and 23). Regarding claim 23, the Han housing top has indicating indicia adjacent the dials (see Figure 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lovitt in view of Raines.

The Lovitt reference discloses a housing 12, dispensing means/reservoir 100 with an inlet 70 and an outlet 98 and containing an additive (see col. 6 lines 51-54), and pump means 102, but remains silent as to how the additive is prevented from prematurely draining into the fluid under pressure. However, the Raines reference discloses a similar housing wherein the dispensing means 75 has a biased flexible member 46 for closing the outlet when dispensing additive is not required. It would have been obvious to one of ordinary skill in the art to employ a biased flexible member on the Lovitt housing in view of Raines to close the outlet when dispensing is not required. Regarding claim 2, the Lovitt device further comprises an inlet 29 and an outlet 90. Regarding claim 3 and 4, the Lovitt device further comprises a passageway 95 and adjustable control means/pump 82. Regarding claim 5, the Lovitt device further comprises adjustable control means/pivot joint 16. Regarding claim 6, see second inlet 128 and note that both inlets are capable of attachment to outlets.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Han in view of Plyant.

The Han reference discloses a housing comprising a base part 14, an inlet 15, an outlet 16, a second part 12, means for regulating flow (valve 21), and a top part (top of second part) having means regulating flow to the outlet (thermostat 76, which adjusts heater 17 which will change fluid temperature and thus regulate the temperature of the flow), but remains silent as to the material of the parts. However, attention is directed to the Plyant reference, which discloses a similar bidet housing whose parts are made from plastic (see col. 3, lines 8-11). It would have been obvious to one of ordinary skill

in the art at the time the invention was made to make the parts of the Han device from plastic in view of Plyant, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In Re Leshin, 125 USPQ 416.

Claims 17-19, 24-27, 29, 30, 32, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Han in view of Lovitt.

Regarding claim 17, the Han reference discloses a bidet/control unit comprising a housing (12 and 13), means introducing fluid into the housing 65, control means pressurizing fluid in the housing (heater 18 which inherently pressurizes fluid by heating), outlet means (26 and 27), means to conduct fluid from the outlet (28 and 29), and nozzles (42 and 43), but does not disclose soap/scent dispensing means in the housing having an outlet in the pressurized fluid. However, the Lovitt reference discloses a similar bidet/control unit including soap/scent dispensing means 102 having an outlet in the pressurized fluid (see Figure 5) to inject soap into the bidet water for improved cleaning. It would have been obvious to employ soap/scent dispensing means with the Han device in view of Lovitt for improved cleaning. Regarding claim 18, the Han housing includes a base 13 and a control sub assembly 12 having dial means (22 and 23) on the top. Regarding claim 19, the Han housing top has indicia means adjacent the control dials (see Figure 1). Regarding claim 24, the Han reference discloses a housing as discussed supra, but does not disclose a dispensing means integral with the housing. However, the Lovitt reference discloses a similar bidet/housing including dispensing means to inject soap into the bidet water for

improved cleaning. It would have been obvious to employ dispensing means with the Han device in view of Lovitt for improved cleaning. Regarding claims 25-27, the Han reference discloses a bidet housing comprising a base/reservoir 14, a second member 12, a top member (dials 22 and 23), inlets (24, 25), outlets (26, 27), and fluid passageways (valves 20 and 21), but does not disclose soap/scent dispensing means. However, the Lovitt reference discloses a similar bidet housing including soap/scent dispensing means 102 having an outlet in the reservoir (see Figure 5) to inject soap into the bidet water for improved cleaning. It would have been obvious to employ soap/scent dispensing means with the Han device in view of Lovitt for improved cleaning. Regarding claims 29 and 30, the Han reference discloses a housing having a base/reservoir 14, a central section (12 and 13) with a top, a fluid inlet 15, a fluid outlet 16, passageways (65, 28, and 29), and fluid means (the coupling between inlet 15 and passageway 65), but does not disclose soap/scent dispensing means in the central section having an outlet disposed in the reservoir. However, the Lovitt reference discloses a similar bidet/control unit including soap/scent dispensing means 102 having an outlet in the reservoir (see Figure 5) to inject soap into the bidet water for improved cleaning. It would have been obvious to employ soap/scent dispensing means with the Han device in view of Lovitt for improved cleaning. Regarding claim 32, the Han reference discloses a unit comprising a housing (12, 13), an object 40, means introducing fluid into the housing 65, an outlet (26, 27), and means controlling the flow (20, 21), but does not disclose soap/scent dispensing means within the housing dispensing soap/scent into the reservoir. However, the Lovitt reference discloses a

similar bidet/control unit including soap/scent dispensing means 102 in the housing dispensing soap/scent into the reservoir (see Figure 5) for improved cleaning. It would have been obvious to employ soap/scent dispensing means with the Han device in view of Lovitt for improved cleaning. Regarding claim 33, the Han reference discloses a control unit comprising a body (12 and 13), an inlet 15, an outlet 16, a passageway/reservoir 14, and pressure and temperature control means (heater 18, and note that heated fluid can increase in pressure), but does not disclose additive dispensing means and means controlling the dispensing means. However, the Lovitt reference discloses a similar control unit including an additive dispensing means 102 and means controlling the dispensing means 26 between the inlet and the outlet (see Figure 5) for improved cleaning. It would have been obvious to employ soap/scent dispensing means and means controlling the dispensing means with the Han device in view of Lovitt for improved cleaning.

Claims 20, 28, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Han in view of Lovitt as applied to claims 18, 27, and 30 above, respectively, and further in view of Plyant.

The Lovitt reference discloses a bidet housing as discussed *supra*, but remains silent as to the material which the parts are made of. However, attention is directed to the Plyant reference, which discloses a similar bidet housing whose parts are made from plastic (see col. 3, lines 8-11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the parts of the modified Han device from plastic in view of Plyant, since it has been held to be within the general skill

of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In Re Leshin*, 125 USPQ 416.

Response to Arguments

Applicant's arguments regarding claim 15 filed 2/28/05 have been fully considered but they are not persuasive. Applicant argues that the Han housing is not multipart and does not have a reservoir. However, the housing is made of separate parts 12 and 13 and has a reservoir 14 therein. Applicant's arguments regarding the remaining claims are moot due to the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter T deVore whose telephone number is (571) 272-4884. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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5/13/05